

FEDERAL INSECTICIDE, FUNGICIDE , AND RODENTICIDE ACT5-17-A. Civil Judicial Enforcement Actions

1. AUTHORITY. To request the Attorney General to appear and represent the Agency in any civil enforcement actions to intervene in any civil enforcement actions instituted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); to request the Attorney General to decline to prosecute previously referred civil enforcement action; to determine that the Attorney General has failed or refused to appear and represent the Agency in any FIFRA civil enforcement action; to appear and represent the Agency in any FIFRA action where the Attorney General has refused or failed to appear and represent the Agency, to request the Attorney General to initiate an appeal and represent the Agency in such an appeal; and to initiate an appeal and represent the Agency when the Attorney General fails to do so.

2. TO WHOM DELEGATED. Regional Counsel.

3. LIMITATIONS.

a. The Regional Counsel may exercise this authority only in regard to causing civil actions to be commenced and intervening in civil actions commenced under FIFRA, requesting the Attorney General to appear and represent the Agency in civil actions under FIFRA exclusive of appeals.

b. The Regional Counsel may exercise this authority only in cases specified in and in accordance with written agreements between authorized representatives of the Agency and the Department of Justice.

c. The Regional Counsel must notify the Assistant Administrator for Pesticides and Toxic Substances, and the Assistant Administrator for Enforcement and Compliance Assurance prior to the time he/she refers cases to the Department of Justice.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977.

b. Section 16 (c) of FIFRA.

c. See the Chapter 5 delegation entitled "Emergency TRO's" for Regional

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Administrators' authority to make direct referrals of requests for emergency FIFRA Temporary Restraining Orders.